

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:21-cv-00048-MR**

**RONNIE DALE WHITENER,**

**Plaintiff,**

**vs.**

**RUTHERFORD COUNTY DETENTION  
CENTER, et al.,**

**Defendants.**

**ORDER**

**THIS MATTER** is before the Court *sua sponte*.

The pro se incarcerated Plaintiff filed this civil rights action addressing incidents that allegedly occurred while he was a pretrial detainee at the Rutherford County Detention Center. [Doc. 1]. In the course of litigation, the Plaintiff filed a Motion for Partial Summary Judgment [Doc. 61] and a Motion to Revive Defendants [Doc. 63]. In support of these motions, the Plaintiff submitted a copy of an internal investigation report that he had obtained from the Defendants pursuant to a protective order entered in this case, which he marked "Confidential." [Docs. 62, 64].<sup>1</sup>

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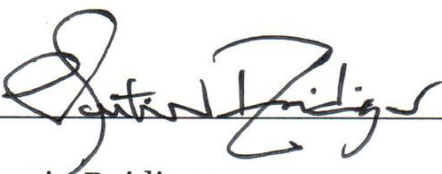
<sup>1</sup> Documents 62 and 64 appear to be copies of the same document.

In light of the confidential designation on these documents, and in an abundance of caution, the Clerk of Court provisionally filed these exhibits under seal. However, no motion has been made to maintain these exhibits under permanent seal. See LCvR 6.1(c) (requiring formal motion in order to file materials under seal). In light of the Plaintiff's pro se status, and the fact that the documents at issue appear to have been generated by the Defendants, the Court will give the Defendants an opportunity to file a motion seeking leave to maintain these exhibits under permanent seal. Should the Defendants choose not to file any such motion, the Court will direct the Clerk to unseal these exhibits and place them on the public docket.

**IT IS, THEREFORE, ORDERED** that, within fourteen (14) days of the entry of this Order, the Defendants may file a motion seeking leave to place Documents 62 and 64 under permanent seal. Should no motion be filed within this period, the exhibits will be unsealed and placed on the public docket.

**IT IS SO ORDERED.**

Signed: August 31, 2023

  
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Martin Reidinger  
Chief United States District Judge

